IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 10828 of 2004(L)

PETITIONERS:

1. **BALAN, AGED 62 YEARS, S/O.GOVINDAN, SEEMA TEMPLE ROAD, ELAMKULAM DESOM, ELAMKULAM VILLAGE, KOCHI-20**

2. **M/S. SHOW SIGHT OUTDOOR MEDIA, VEBAL HOUSE, NEAR AROMA MOVIES, KALABHAVAN ROAD, KOCHI-18, REPRESENTED BY ITS PROPRIETOR MR.KAREEMKUTTY.**

BY ADV. SMT.AYSHA YOUSEFF,
SRI.V.K.SIDHIQUE,
SMT.SAJITHA SIDHIK,
SMT.SHABEELA.P.M.

RESPONDENTS:

1. **CORPORATION OF KOCHI, REPRESENTED BY ITS SECRETARY, OFFICE OF CORPORATION OF KOCHI, KOCHI-11**

2. **ASSISTANT EXECUTIVE ENGINEER, CORPORATION OF KOCHI, REGIONAL OFFICE, VYTTILA, KOCHI-19.**

3. **M/S. DESAI HOMES, REP. BY ITS PARTNER V.R. DESAI, XL/7430 C2 , D.D. BAZAR, GOPALA PRABHU ROAD, KOCHI - 35.**

BY ADV. SRI.V.S.CHANDRASEKHARAN,
SRI. M.K. CHANDRA MOHAN DAS,
SRI.JOSEPH THAYAMKERIL,
SRI.JERIN JACOB,
SRI. K. ANAND, S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.10828/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE TAX RECEIPT DTD. 11/11/2003 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE ADVERTISEMENT TAX RECEIPT DTD. 01/08/2003.

EXT.P.3: COPY OF THE NOTICE DTD. 29/08/2003 ISSUED BY THE R.2.

EXT.P.4: COPY OF THE STRUCTURAL STABILITY CERTIFICATE ISSUED BY CHARTERED ENGINEER.

EXT.P.5: COPY OF THE NOTICE DTD. 09/03/2004 ISSUED BY R.2.

EXT.P.6: COPY OF THE EXPLANATION DTD. 22/03/2004 SUBMITTED BY THE P.1.

RESPONDENT'S EXHIBITS:

EXT.R3 (1): COPY OF THE INJUNCTION SUIT, O.S. NO. 36/2004 PENDING BEFORE THE 2ND ADDL. MUNSIFF COURT AT ERNAKULAM DTD. 08/01/2004.

EXT.R3 (2): COPY OF THE AFFIDAVIT WITH INJUNCTION APPLICATION I.A. NO. 207/2004 IN O.S. NO. 36/2004 DTD. 08/01/2004.

EXT.R3. (3): COUNTER AFFIDAVIT FILED BY THE R.1/1ST PETITIONER HEREIN IN SAID I.A. NO. 207/2004 DTD. 31/01/2004.

EXT.R3. (4): AN OUT DOOR PHOTO IN RESPECT OF THE 3RD RESPONDENT'S BUILDING NAMELY "DD CORNER STONE". DTD. NIL.

EXT.R3. (5): PHOTO TAKEN SUBSEQUENT TO THE ERECTION OF THE HUGE HOARDING ON TOP OF RESPONDENT'S BUILDING DTD. NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH , J

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W.P.(C) NO. 10828 OF 2004

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Dated this the 1st day of August, 2007.

JUDGMENT

The writ petition is filed mainly with the following prayer:

> i. issue a writ of mandamus or any other appropriate writ order or direction directing the 1st respondent to pass appropriate orders on the application for regularization of the hoarding erected on the top of the 1st petitioner's building at the earliest and to communicate the same to the petitioner.

In case the petitioners have still any grievance left, they may approach the 1st respondent.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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